

HOUSE BILL No. 6197

September 9, 2004, Introduced by Reps. Minore, Tobocman, Accavitti, O'Neil, Plakas, Murphy, Lipsey, Jamnick, Kolb, Hunter, Meisner, Hood, Williams, Reeves, Hopgood, Law, Anderson, Whitmer, Byrum, Vagnozzi, Zelenko, Woodward, Gielegem, Clack, Condino, Gleason and Farrah and referred to the Committee on Land Use and Environment.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending the heading of part 172 and sections 17201 and 17203 (MCL 324.17201 and 324.17203), as added by 2002 PA 578, and by adding section 17207.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 PART 172. ~~MERCURY THERMOMETERS~~ **MERCURY-ADDED PRODUCTS**
 2 Sec. 17201. As used in this part:
 3 (a) "Manufacturer" means a person that produces, imports, or
 4 distributes ~~mercury thermometers~~ **a product** in this state.
 5 (b) "Mercury-added novelty" means a mercury-added product
 6 intended for use as a figurine, adornment, toy, game, card,
 7 ornament, yard statue or figure, candle, item of jewelry, holiday
 8 decoration, or item of apparel or any other similar mercury-added
 9 product intended mainly for personal or household enjoyment or

1 adornment.

2 (c) "Mercury-added product" means any of the following if it
3 contains intentionally introduced mercury or mercury compounds:

4 (i) A thermostat or thermometer.

5 (ii) An electrical or other switch.

6 (iii) A medical or scientific instrument.

7 (vi) An electric relay or other electrical device.

8 (v) A lamp.

9 (vi) A battery, except a button battery or a battery that is
10 not sold to the public.

11 (vii) A mercury-added novelty.

12 (viii) Any other tangible goods.

13 (d) ~~(b)~~ "Mercury fever thermometer" means a mercury
14 thermometer used for measuring body temperature.

15 (e) ~~(e)~~ "Mercury thermometer" means a product, or a
16 component, other than a dry cell battery, of a product, used for
17 measuring temperature that contains mercury or a mercury compound
18 intentionally added to the product or component.

19 (f) "Thermostat" means a device that regulates temperature in
20 an enclosed area by controlling heating, cooling, or ventilation
21 equipment.

22 Sec. 17203. (1) The department of environmental quality
23 shall enforce this part.

24 (2) A person who violates this part is guilty of a
25 misdemeanor punishable by imprisonment for not more than 60 days
26 or a fine of not more than \$1,000.00, or both, plus the costs of
27 prosecution.

1 (3) The director of the department of environmental quality
2 may promulgate rules pursuant to the administrative procedures
3 act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to implement and
4 administer this part.

5 Sec. 17207. Beginning January 1, 2005, a manufacturer of any
6 mercury-added products shall affix to each mercury-added product
7 intended for sale in this state or for use in this state a label
8 indicating that the device contains mercury and shall provide
9 instructions with the mercury-added product on the proper
10 disposal of the mercury-added product and proper cleanup of the
11 mercury or mercury compound if a spill, leak, or discharge
12 occurs.